HOUSE FILE 321

BY   COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 65)

A BILL FOR

1 An Act modifying the duties of a county attorney relating to
2   schools and to the extradition of criminal defendants and
3   securing of certain witnesses.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1   Section 1. Section 257B.10, Code 2011, is amended to read
2 as follows:
3   **257B.10 Uniform interest date.**
4   If money is due to the permanent school fund, either for
5 loans or deferred payments of the purchase price of land sold,
6 the interest shall be made payable on the first day of January
7 each year, and if the debtor fails to pay the interest within
8 six months of the date it is due, the entire amount of both
9 principal and interest shall become due, and the county auditor
10 shall report the nonpayment to the ~~county attorney~~ school
11 board, ~~who shall~~ which may immediately commence action for the
12 collection of the amount reported as due. This section is a
13 part of a contract made by virtue of this chapter, whether
14 expressed in the contract or not.
15   Sec. 2. Section 257B.33, Code 2011, is amended to read as
16 follows:
17   **257B.33 Suit —— attorney fee.**
18   If the debtor does not comply with the notice, the auditor
19 shall report the noncompliance to the ~~county attorney~~ school
20 board, ~~who shall~~ which may bring an action to recover the debt,
21 and an injunction may issue for cause, without bond when so
22 petitioned, and there shall be allowed in the judgment, entered
23 and taxed as a part of the costs in the case, a reasonable sum
24 as compensation to plaintiff's attorney, not exceeding the
25 amount provided by law for attorney fees.
26   Sec. 3. Section 331.756, subsection 7, Code 2011, is amended
27 to read as follows:
28   7. Give advice or a written opinion, without compensation,
29 to the board and other county officers and to ~~school and~~
30 township officers, when requested by an officer, upon any
31 matters in which the state, county, ~~school,~~ or township is
32 interested, or relating to the duty of the officer in any
33 matters in which the state, county, ~~school,~~ or township may
34 have an interest, but the county attorney shall not appear
35 before the board at a hearing in which the state or county is

1 not interested.

2 Sec. 4. Section 331.756, subsection 54, Code 2011, is
3 amended by striking the subsection.

4 Sec. 5. Section 331.756, subsection 82, Code 2011, is
5 amended to read as follows:

6 82. Carry out duties relating to extradition of fugitive
7 defendants as provided in chapter ~~818~~ 820 and securing
8 witnesses as provided in chapter 819.

9 Sec. 6. REPEAL. Chapter 818, Code 2011, is repealed.

10 Sec. 7. REPEAL. Chapter 819A, Code 2011, is repealed.

11   EXPLANATION

12 This bill relates to the duties of a county attorney
13 including providing advice and required legal representation
14 to schools and duties related to the extradition of criminal
15 defendants and securing of witnesses.

16 The bill strikes provisions requiring a county attorney
17 to bring an action against a debtor who owes money to the
18 permanent school fund created in Code chapter 257B. The bill
19 specifies the school board may bring the action against a
20 debtor who owes money to the permanent school fund.

21 The bill strikes a provision requiring a county attorney to
22 provide legal advice to a school or school officer.

23 The bill repeals Code chapter 818 which establishes
24 the interstate extradition compact for fugitive criminal
25 defendants. The bill does not affect Code chapter 819 (uniform
26 Act to secure witnesses from without the state) which is
27 similar to Code chapter 818.

28 The bill also repeals Code chapter 819A relating to the
29 uniform Act for rendition of prisoners as witnesses in criminal
30 proceedings. The bill does not affect Code chapter 820
31 (uniform criminal extradition Act) which is similar to Code
32 chapter 819A.